

REMARKS

The Applicants request reconsideration of the rejection.

Claims 1-6 and 8 have been canceled and new claims 9-15 have been added. Accordingly, only claims 9-15 are now pending.

Drawings

The drawings were objected under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. Previous claims 1-6 and 8 have now all been canceled and therefore it is not believed that corrected drawings are required.

Claims Objections

Claims 2 and 6 were objected to as being of improper dependent form. As noted, these claims have now been canceled.

Claim Rejections Under 35 USC §112

Claims 1-6 and 8 stand rejected under 35 USC 112, second paragraph as being indefinite. These claims have now all been canceled and replaced by new claims 9-15.

Patentability of new Claims 9-15

All the previous claims have now been canceled and new claims 9-15 have been added. It is believed that new claims 9-15 meet all the requirements of 35 USC §112 and are patentable.

New independent claim 9 defines the invention as being used in an automatic analyzer having a nozzle mounted on a reagent sampling arm for extracting and dispensing a sample of a liquid reagent in a reagent bottle closed by a puncturable seal. The improvement to which the present invention is directed includes a seal piercing tool, a container for holding the piercing tool, means for attaching the piercing to the nozzle when the nozzle is inserted into the piercing tool and means for releasing the piercing tool from the nozzle when the nozzle is withdrawn from the piercing tool.

Dependent claim 10 further defines a leaf spring mounted in the container for holding the piercing tool in place therein and the piercing tool having a hollow interior into which the nozzle is inserted. Dependent claim 11 further defines a lever mounted on the piercing tool for engagement with a slot formed in the nozzle when the nozzle is inserted into the piercing tool and claim 12 further defines the lever as being spring biased to a closed position.

Dependent claim 13 further defines the means for releasing the piercing tool from the nozzle as comprising an opening in the wall of the container through which a lower end of the lever normally extends whereby when the piercing tool and the nozzle are moved upwardly, the lower end of the lever engages an upper end of the opening to cause the lever to pivot out of engagement with the slot.

Claim 14 further defines the embodiment of the invention shown in Figs. 6A and 6B wherein the piercing tool has a slidable guide mounted around a lower end thereof and the seal of the reagent body has a tapered recess whereby when the piercing tool is moved downwardly, the slidable guide contacts the tapered recess to

center the piercing tool in the tapered recess. Claim 15 further defines the slidable guide as being biased downwardly with respect to the piercing tool by a spring.

It is submitted that the invention as now defined in new claims 9-15 is fully supported by the specification and drawings.

While the last Office Action did not reject the claims over any prior art, in the Office Action of January 24, 2007, claims 1-8 were rejected under 35 USC § 102(b) as being anticipated by Kellm WO 94/02826 relating to an automatic chemical analyzer. It is submitted that the new claims clearly patentably distinguish over Kellm.

As noted in the Reply filed April 24, 2007, Kellm reciprocates a cover 160 across a top of an enclosure having a draw tube 27 and a ram 140 using a rack 164 powered by a motor 166 and corresponding gearing. The cover 160 mounts a puncture tube 161 to resealably puncture closure 162 on the draw tube 27. The mounted puncture tube is thus moved from a first position to a puncturing position and then held in the puncturing position while a pipette 18 is inserted coaxially through the puncture tube and into the draw tube 27. After withdrawing the reagent from the draw tube 27, the cover 160 is retracted with the puncture tube 161, correspondingly returning the cover 160 and ram 140 to a home position.

Thus, Kellm requires a complex construction including the puncture tube 161, the cover moving gear 164 and 165, and extension 168, a driving gear 151, a photo cell detector 181 and the like. The seal piercing tool of the present invention does not require a cover moving gear, an extension, a driving gear, a photo cell detector or the like.

Thus, Kellm fails to disclose and/or suggest a seal piercing tool adapted to be attached or fitted to a nozzle and being able to be removed from the nozzle.

Accordingly, it is submitted that the present invention as now claimed is patentable.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-192).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in cursive script, reading "Gene W. Stockman", written over a horizontal line.

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